HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 21135 of 2006

Between:

G. Satyanarayana

..Petitioner

And

The Municipal Commissioner,
L.B. Nagar Municipality,
L.B. Nagar, Ranga Reddy district and others.

..Respondents.

:ORDER:

Counsel for the petitioner : Shri Ch. Ravinder.

October 13, 2006:

-
-
-
-
-
-
-
-
-
-
-
-

_
_
_
_

Per G.S. Singhvi, CJ

The petitioner, who is said to have entered into an agreement to purchase plot No.2 situated in Ward No.8 Shakthinagar, Karmanghat Village, Saroornagar Revenue Mandal, which falls within the jurisdiction of L.B. Nagar Municipality of Ranga Reddy District, has filed this writ petition for issue of a mandamus to respondent No.1 to demolish the construction being raised by respondent Nos.2 and 3.

We have heard Shri Ch. Ravinder, learned counsel for the petitioner and perused the record. In our opinion, the writ petition is liable to be dismissed because -

(1) The petitioner has not produced any document to show that he is the owner of plot No.2 as described hereinabove. An agreement of sale-cum-General Power of Attorney cannot be treated as sufficient for conferring title on the petitioner.

(2) The petitioner has not produced any tangible evidence to show that respondent Nos.2 and 3 are raising construction over any particular plot of land without obtaining sanctioned plan or in violation of the sanctioned plan.

(3) The question whether respondent Nos.2 and 3 are raising construction in violation of statutory provisions or sanctioned plan would necessarily require investigation into the contentious issues of fact and for that purpose the remedy of civil suit will prove more effective. Therefore, we do not see any reason to make a departure from the established rule that the High Court will not entertain writ petition under Article 226 of the Constitution if an effective alternative remedy is available to the petitioner.

With the above observations, the writ petition is dismissed

leaving the petitioner free to avail the alternative remedy by filing civil suit.

As a sequel to dismissal of the main petition, W.P.M.P.No.26804 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J.

13-10-2006

pvks